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LOK SABHA

The following Bills were introduced in Lok Sabha on the 11th August, 1958:—

BILL No. 74 OF 1958

A Bill to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the State of Assam and the Union territory of Manipur.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Armed Forces (Assam and Manipur) Special Powers Act, 1958. Short title and extent.

5 (2) It extends to the whole of the State of Assam and the Union territory of Manipur.

2. In this Act, unless the context otherwise requires,— Definitions.

10 (a) "armed forces" means the military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

of 1950. 15 (c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, of 1950. 1950, shall have the meanings respectively assigned to them in those Acts.

3. If the Government of Assam or the Chief Commissioner of Manipur is of the opinion that the whole or any part of the State of Assam or the Union territory of Manipur, as the case may be, is in such a disturbed or dangerous condition that the use of armed Power to declare areas to be disturbed areas.

forces in aid of the civil power is necessary, he may, by notification in the Official Gazette, declare the whole or any part of the State or Union territory to be a disturbed area.

Special
powers of
the armed
forces.

4. Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,— 5

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances; 15

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence; 20

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest; 25

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary. 30

Arrested
persons to be
made over to
the police.

5. Any person arrested and taken into custody under this Act shall be made over to the officer in charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest. 35

Protection to
persons
acting under
Act.

6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act. 40

1 of 1958.

7. (1) The Armed Forces (Assam and Manipur) Special Powers Ordinance, 1958, is hereby repealed. Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 22nd day of May, 1958.

STATEMENT OF OBJECTS AND REASONS

An Ordinance entitled the Armed Forces (Assam and Manipur) Special Powers Ordinance, 1958, was promulgated by the President on the 22nd May, 1958. Section 3 of the Ordinance empowers the Governor of Assam and the Chief Commissioner of Manipur to declare the whole or any part of Assam or the Union territory of Manipur, as the case may be, to be a disturbed area. On such a declaration being made in the Official Gazette, any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may exercise, in the disturbed area, the powers conferred by sections 4 and 5 of the Ordinance. The Bill seeks to replace the Ordinance.

G. B. PANT.

NEW DELHI;
The 5th July, 1958.

BILL No. 83 OF 1958

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure Short title.
(Amendment) Act, 1958.

5 of 1898. 5 2. Section 93A of the Code of Criminal Procedure, 1898 Omission of section 93A.
(hereinafter referred to as the principal Act), shall be omitted.

3. In Part III of the principal Act, after Chapter VII, the follow- Insertion of new Chapter VIIA.
ing Chapter shall be inserted, namely:—

“CHAPTER VIIA

10 SPECIAL RULES REGARDING PROCESSES IN CERTAIN CASES

105A. (1) Where a court in the territories to which this Special rules regarding processes in certain cases.
Code extends (hereinafter in this section referred to as the
said territories) desires that—

- 15 (a) a summons to an accused person, or
(b) a warrant for the arrest of an accused person, or
(c) a summons to any person requiring him to attend
and produce a document or other thing, or to produce it, or
(d) a search warrant,
20 issued by it shall be served or executed at any place within the
local limits of the jurisdiction of a court in the State of Jammu

and Kashmir or a court established or continued by the authority of the Central Government in any area outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that court to be served or executed; and where any summons referred to in 5 clause (a) or clause (c) has been so served, the provisions of section 74 shall apply in relation to such summons as if the presiding officer of the court to whom it is sent were a magistrate in the said territories.

(2) Where a court in the said territories has received for 10 service or execution—

- (a) a summons to an accused person, or
- (b) a warrant for the arrest of an accused person, or
- (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or 15
- (d) a search warrant,

issued by a court in the State of Jammu and Kashmir or a court established or continued by the authority of the Central Government in any area outside the said territories, it shall cause the same to be served or executed as if it were a summons or 20 warrant received by it from another court in the said territories for service or execution within the local limits of its jurisdiction; and where—

- (i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance 25 with the procedure prescribed by sections 85 and 86;
- (ii) a search warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by section 99.”.

Repeal and
saving.

4. (1) The Code of Criminal Procedure (Amendment) Ordinance, 30 1958, is hereby repealed.

2 of 1958.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 5th day of June, 1958.

STATEMENT OF OBJECTS AND REASONS

Section 93A of the Code of Criminal Procedure, 1898, provides for summonses to, and warrants for the arrest of, accused persons issued by courts in Jammu and Kashmir being served or executed by courts in the rest of India. As there was no similar provision in regard to the execution or service in the rest of India of search warrants, or summonses to produce a document or thing, issued by courts in Jammu and Kashmir, an Ordinance was promulgated on the 5th of June, 1958, to amend the Code of Criminal Procedure to provide for the execution or service of such warrants and summonses. The present Bill seeks to replace the Ordinance, and opportunity is taken to combine the provisions of section 93A and the provisions contained in the Ordinance and insert them as a new Chapter in the Code.

G. B. PANT.

NEW DELHI;
The 8th August, 1958.

BILL* No. 81 OF 1958

A Bill to provide for the levy and collection of additional duties of excise and customs on certain mineral oils.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.

(2) It shall be deemed to have come into force on the twentieth day of May, 1958.

Definitions.

2. In this Act, "kerosene", "motor spirit", "refined diesel oils and vaporizing oil" and "diesel oil, not otherwise specified" and "furnace oil" shall have the meanings respectively assigned to them in Items Nos. 1, 4, 24 and 25 of the First Schedule to the Central Excises and Salt Act, 1944.

1 of 1944.

Levy and
collection of
additional
duties of
excise on
certain
mineral oils.

3. (1) There shall be levied and collected in respect of the goods mentioned in column 1 of the Table hereunder duties of excise at such rates not exceeding those specified in relation thereto in column 2 of the said Table as may be specified by the Central Government by notification in the Official Gazette,—

TABLE

Description of goods 1	Rate of additional duty 2
1. Kerosene	Twelve naye paise per imperial gallon. 20
2. Motor spirit	Twenty-five naye paise per imperial gallon.
3. Refined diesel oils and vaporizing oil	Fifteen naye paise per imperial gallon.
4. Diesel oil, not otherwise specified .	Rupees twenty per ton.
5. Furnace oil	Rupees twenty per ton.

(2) The duties of excise referred to in sub-section (1) in respect of the goods specified therein shall be in addition to the duties of

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha, the introduction and consideration of the Bill.

excise chargeable on such goods under the Central Excises and Salt Act, 1944, or any other law for the time being in force.

1 of 1944.

1 of 1944.

(3) The provisions of the Central Excises and Salt Act, 1944, and the rules thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of the additional duties of excise referred to in this section as they apply in relation to the levy and collection of the duties of excise in respect of the goods specified in sub-section (1).

(4) Notwithstanding anything contained in this section, the Central Government may, having regard to the administrative or other difficulties, if any, which may arise in relation to the levy and collection of all or any of the additional duties of excise under this Act for any period commencing on the 20th day of May, 1958, and ending on the 29th day of June, 1958, assess the additional duties of excise payable by any person under this Act to be such sum as to the Central Government appears proper in the circumstances.

12 of 1934.

4. For so long as an additional duty of excise is levied and collected under this Act in respect of kerosene, the entry in the fourth column relating to sub-item (a) of Item No. 27(4) of the First Schedule to the Indian Tariff Act, 1934, shall have effect as if the words, brackets and figures "plus the excise duty for the time being leviable under the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958, on like articles if produced or manufactured in India" had been added thereto.

Amendment of Act 32 of 1934.

2 of 1930.

5. Notwithstanding anything contained in section 64A of the Indian Sale of Goods Act, 1930, or in any other law for the time being in force, or in any contract or agreement, no purchaser purchasing any of the goods referred to in sub-section (1) of section 3, shall be liable to pay or be sued for, or in respect of,—

Additional duties of excise and customs not to be added to price of goods for sale.

(a) the whole or any part of the additional duties of excise leviable under this Act, or

32 of 1934.

(b) the whole or any part of the additional duties of customs leviable under section 4 or under the Indian Tariff Act, 1934, to the extent to which such duties have become leviable by reason of this Act,

as an addition to the contract price payable by him in respect of the goods so purchased.

Explanation.—In this section, “purchaser” shall not include any person in principal charge of the distribution in India of any of the goods referred to in sub-section (1) of section 3.

Repeal.

6. The Mineral Oils (Additional Duties of Excise and Customs) Ordinance, 1958, is hereby repealed.

6 of 1958.

STATEMENT OF OBJECTS AND REASONS

The Mineral Oils (Additional Duties of Excise and Customs) Ordinance, 1958 (No. 6 of 1958), promulgated by the President on 30th June, 1958, provided for the levy and collection of additional duties of excise and the countervailing duties of customs on certain mineral oils. This Bill seeks to replace the provisions of the aforesaid Ordinance.

2. The Ordinance was issued to readjust the excise and customs duties in the light of the reduction in prices agreed to by the principal companies distributing mineral oil products in India with effect from 20-5-1958. The price reductions were not of a magnitude which even if passed on to the consuming public would be reflected to any significant extent in the consumer prices. Besides, all available resources have to be tapped for fulfilling plan targets. It was, therefore, decided that the benefit of the price reductions should accrue to Government.

NEW DELHI;

MORARJI DESAI.

The 7th August, 1958.

FINANCIAL MEMORANDUM

Extra staff will be necessary for the work involved in assessing the proper amount payable by any person by way of additional duties of excise and customs under the Mineral Oils (Additional Duties of Excise and Customs) Bill, 1958, for the period commencing on the 20th day of May, 1958, and ending on the 29th day of June, 1958.

The estimated direct expenses on staff are as under:—

Category	No.	Scale of pay	Average cost for six months per person	Total
		Rs.	Rs.	Rs.
Appraiser	3	275—650	3,264	9,792
Head Clerk	6	160—280	1,788	10,728
Upper Division Clerk	15	80—220	1,284	19,260
Lower Division Clerk	9	60—130	944	8,496
			Total	48,276

There will be other small items of expenditure of a contingent and miscellaneous nature for which an approximate provision of Rs. 1,800 for six months will be necessary, making a total expenditure of about Rs. 50,000 on present expectations.

BILL* No. 78 OF 1958

A Bill to provide for the fixation of rates of wages in respect of working journalists and for matters connected therewith

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Working Journalists (Fixation of Rates of Wages) Act, 1958. Short title.

5 2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "Committee" means the Committee constituted under section 3;

(b) "prescribed" means prescribed by rules made under this Act;

10 (c) "Wage Board" means the Wage Board constituted under the Working Journalists Act by notification No. S.R.O. 1075 of the Government of India in the Ministry of Labour, dated the 2nd May, 1956;

15 (d) "Wage Board decision" means the decisions of the Wage Board published in the Gazette of India Extraordinary, Part II, Section 3, dated the 11th May, 1957;

14 of 1947. (e) "wages" means wages as defined in the Industrial Disputes Act, 1947;

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill

(f) "Working Journalists Act" means the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955;

45 of 1955.

(g) words and expressions used but not defined in this Act, and defined in the Working Journalists Act, shall have the meanings respectively assigned to them in that Act.

Constitution of Committee.

3. (1) For the purpose of enabling the Central Government to fix rates of wages in respect of working journalists in the light of the Judgment of the Supreme Court, dated the 19th day of March, 1958, relating to the Wage Board decision, and in the light of all other relevant circumstances, the Central Government shall, as soon as may be after the commencement of this Act, by notification in the Official Gazette, constitute a Committee consisting of the following persons, namely:—

(i) an officer of the Ministry of Law not below the rank of Joint Secretary, nominated by the Central Government, who shall be the Chairman of the Committee,

(ii) three persons nominated by the Central Government from among the officers of each of the Ministries of Home Affairs, Labour and Employment and Information and Broadcasting,

(iii) a chartered accountant nominated by the Central Government.

(2) If for any reason a vacancy (other than a vacancy by reason of temporary absence) occurs in the office of the Chairman or any other member of the Committee, the Central Government may appoint another person in accordance with the provisions of sub-section (1) to fill the vacancy, and the inquiry before the Committee may be continued from the stage which had been reached when the vacancy arose.

(3) The Central Government may appoint a Secretary to the Committee, and may also provide the Committee with such other staff as may be necessary.

(4) The Secretary shall perform such functions of a ministerial or other nature as the Committee or the Chairman thereof may assign or delegate to him.

Functions of Committee.

4. (1) The Committee shall, by notice published in such manner as it thinks fit, call upon newspaper establishments and working journalists and other persons interested in the Wage Board decision to make such representations as they may think fit as respects the Wage Board decision and the rates of wages which may be fixed under this Act in respect of working journalists.

(2) Every such representation shall be in writing and shall be made within such period not exceeding thirty days, as the Committee may specify in the notice, and shall state—

5 (a) the specific grounds of objection, if any, to the Wage Board decision,

(b) the rates of wages which, in the opinion of the person making the representation, would be reasonable, having regard to the capacity of the employer to pay the same or to any other circumstance, whichever may seem relevant to the person making
10 the representation in relation to his representation,

(c) the alterations or modifications, if any, which, in the opinion of the person making the representation, should be made in the Wage Board decision and the reasons therefor.

(3) The Committee shall take into account the representations
15 aforesaid, if any, and after examining the materials placed before the Wage Board and such further materials as have since been obtained by or made available to it under this Act, make such recommendations, as it thinks fit, to the Central Government for the fixation of rates of wages in respect of working journalists, whether by way of
20 modification or otherwise, of the Wage Board decision; and any such recommendation may specify, whether prospectively or retrospectively, the date from which the rates of wages should take effect.

(4) In making any recommendations to the Central Government, the Committee shall have regard to all the matters set out in sub-
25 section (1) of section 9 of the Working Journalists Act.

(5) The Committee may, if it thinks fit, take up for consideration separately groups or classes of newspaper establishments, whether on the basis of regional classification or on any other basis, and make recommendations from time to time in regard to each such group or
30 class.

14 of 1947 5. (1) Subject to the provisions contained in sub-section (2), the Committee may exercise all or any of the powers which an industrial tribunal, constituted under the Industrial Disputes Act, 1947, exercises for the adjudication of an industrial dispute referred to it and
35 shall, subject to the provisions contained in this Act and the rules, if any, made thereunder, have power to regulate its own procedure.

Powers of
Com-
mittee.

(2) Any representations made to the Committee and any documents furnished to it by way of evidence, shall be open to inspection on payment of such fee as may be prescribed, by any person interested
40 in the matter.

(3) If in the course of any inquiry it appears to the Committee that it is necessary to examine any accounts or documents or obtain

any statements from any person, the Committee may authorise any officer of the Central Government (hereinafter referred to as "the authorised officer") in that behalf; and the authorised officer shall, subject to the directions of the Committee, if any, examine the accounts or documents or obtain the statements from the person. 5

(4) The authorised officer may, subject to the directions of the Committee, if any, exercise all or any of the powers which an industrial tribunal may exercise under sub-section (2) or sub-section (3) of section 11 of the Industrial Disputes Act, 1947.

14 of 1947.

(5) The authorised officer shall be deemed to be a public servant 10 within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Power of
Central
Govern-
ment to
enforce
recom-
menda-
tions of
Commit-
tee.

6. (1) As soon as may be, after the receipt of the recommendations of the Committee, the Central Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the 15 opinion of the Central Government, do not effect important alterations in the character of the recommendations.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, if it thinks fit,—

(a) make such modifications in the recommendations, not 20 being modifications of the nature referred to in sub-section (1), as it thinks fit:

Provided that before making any such modifications, the Central Government shall cause notice to be given to all persons likely to be affected thereby in such manner as may be pres- 25 cribed, and shall take into account any representations which they may make in this behalf in writing, or

(b) refer the recommendations or any part thereof to the Committee, in which case the Central Government shall consider its further recommendations and make an order either in 30 terms of the recommendations or with such modifications of the nature referred to in sub-section (1).

(3) Every order made by the Central Government shall be published in the Official Gazette together with the recommendations of the Committee relating to the order, and the order shall come 35 into operation on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

Working
journa-
lists en-
titled to
wages at

7. Subject to the provisions contained in section 11, on the coming into operation of an order of the Central Government, every working journalist shall be entitled to be paid by his employer 40

wages at a rate which shall in no case be less than the rate of wages specified in the order.

rates not less than those specified in the order.

8. The Central Government may, at any time after the expiry of three years from the date of the order passed by it under this Act, if it is of opinion that circumstances require that the rates of wages specified in the order should be revised, constitute a Wage Board as provided in section 8 of the Working Journalists Act, and where a Wage Board is so constituted, the provisions of the Working Journalists Act shall apply thereto.

Review of order of Central Government.

9. (1) Where any amount is due under this Act to a working journalist from an employer, the working journalist may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government, or such authority as the State Government may specify in this behalf, is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

Recovery of money due to working journalists.

(2) If any question arises as to the amount due under this Act to a working journalist from an employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under section 7 of the Industrial Disputes Act, 1947, and the said Act shall have effect in relation to the Labour Court as if the question so referred were a matter specified in the Second Schedule to that Act which has been referred to the Labour Court for adjudication.

14 of 1947.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference, and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

10. All notices, letters, authorisations, orders or other documents to be issued or made by the Committee under this Act may be authenticated by the Chairman or the Secretary thereof or any other officer authorised by the Committee in this behalf and any notice, letter, authorisation, order or other document so authenticated shall be presumed to have been duly issued or made by the Committee.

Authentication of orders, letters, etc., of the Committee.

11. (1) Sections 8, 10, 11, 12 and 13 of the Working Journalists Act shall have no effect in relation to the Committee.

Effect of Act on Working Journalists Act, etc.

(2) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act:

Provided that where under any such award, agreement, contract 5 of service or otherwise, a working journalist is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the working journalist shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives bene- 10 fits in respect of other matters under this Act.

(3) Nothing contained in this Act shall be construed to preclude any working journalist from entering into any agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he 15 would be entitled under this Act.

Vacancies, etc., not to invalidate proceedings of Committee.

Power to make rules.

12. No act or proceeding of the Committee shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

13. (1) The Central Government may, by notification in the 20 Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which notices under this Act may be published; 25

(b) the procedure to be followed by the Committee in the exercise of its powers under this Act;

(c) the powers and functions of the Committee which may be delegated to any of its members;

(d) the fees to be paid for inspection of documents furnished 30 to the Committee.

Repeal and saving.

14. (1) The Working Journalists (Fixation of Rates of Wages) Ordinance, 1958, is hereby repealed.

3 of 1958.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done 35 or taken under this Act as if this Act had commenced on the 14th day of June, 1958.

STATEMENT OF OBJECTS AND REASONS

A Wage Board for fixing the rates of wages in respect of working journalists was constituted by the Central Government under section 8 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) and its decision was published in May, 1957. This decision was challenged by certain newspaper establishments in petitions filed before the Supreme Court; and that Court set aside the decision on the 19th March, 1958, on the ground that it did not take into account the capacity of the industry to pay.

To consider the situation arising out of the decision of the Supreme Court and to frame an agreed scheme in respect of the wages of working journalists, several meetings were held with the representatives of newspaper employers and working journalists; but it was not found possible to come to an agreement. Consequently an Ordinance entitled the Working Journalists (Fixation of Rates of Wages) Ordinance, 1958 (3 of 1958), was promulgated on the 14th June, 1958. This Ordinance provided for the establishment of a special Committee for the purpose of making recommendations to the Central Government in regard to the rates of wages to be fixed for working journalists. This Committee has already started functioning. It is now proposed to replace the Ordinance by an Act of Parliament.

G. L. NANDA.

NEW DELHI;
The 23rd July, 1958.

FINANCIAL MEMORANDUM

The Bill contemplates the appointment of a Committee by the Central Government to make recommendations for enabling the Central Government to fix rates of wages in respect of working journalists.

Clause 3 of the Bill empowers the Central Government to constitute a Committee consisting of one representative each of the Ministries of Law, Home Affairs, Labour and Employment and Information and Broadcasting and one chartered accountant. The Central Government is also empowered to appoint a Secretary to the Committee for the performance of such functions as the Committee or the Chairman thereof may assign to him and also to appoint any such other staff as may be considered necessary. It is proposed that the representatives of the Ministries may continue to draw their salary, etc., from the respective Ministries and similarly the Secretary to the Committee may continue to draw his salary, etc., from the Ministry in which he is employed. The expenditure on the honorarium to be granted to the chartered accountant member of the Committee and on the staff and other incidental charges is likely to be about Rs. 24,000 for a period of 4 months during which it is expected that the Committee might be able to make its final recommendations to the Government. Clause 5(2) of the Bill lays down that any representations made to the Committee and any documents furnished to it by way of evidence, would be open to inspection on payment of a fee. It is not possible to estimate the income which the Committee may have on this account.

However, there may be a total additional expenditure of about Rs. 24,000 on account of the setting up of the Committee under the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 13 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill and sub-clause (2) of that clause specifies the matters in respect of which rules may be made. These matters relate to the manner in which notices may be published, the procedure to be followed by the Committee in the exercise of its powers, the powers and functions of the Committee which may be delegated to any of its members for facilitating the work of the Committee, and the fees to be paid for inspecting the documents furnished to the Committee. The delegation of powers is of a normal character.

BILL No. 79 OF 1958

A Bill further to amend the Industrial Disputes (Banking Companies) Decision Act, 1955.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Industrial Disputes (Banking Companies) Decision Amendment Act, 1958.

Amendment of section 3. 2. In the Industrial Disputes (Banking Companies) Decision Act, 1955, in section 3, after sub-section (4), the following sub-section shall be inserted, namely:— 5
41 of 1955.

“(5) Notwithstanding anything contained in the foregoing provisions of this section, the Central Government may, from time to time by notification in the Official Gazette, make in lieu 10 of the adjustment of the dearness allowance recommended in clause 1(e) of Chapter XI of the Report of the Bank Award Commission, such adjustment thereof as it thinks fit for any period subsequent to the 31st December, 1957, with reference to the rise or fall, as compared to 144 (1944–100), of the average 15 all-India cost of living index for any period immediately preceding that period; and upon the issue of such notification the adjustment of dearness allowance so made for any period shall be deemed to have been recommended in clause 1(e) of the Report of that Commission: 20

Provided that any adjustment so made shall, so far as may be, bear to the rise or fall of the cost of living index the same ratio as is indicated between the adjustment of dearness allowance and the rise or fall of the cost of living index in the formulæ recommended in that clause.”. 25

STATEMENT OF OBJECTS AND REASONS

The Bank Award Commission laid down certain formulæ for the adjustment of the dearness allowance payable to bank employees for variations in the cost of living index. The formulæ provided for changes after intervals of six months and after a fall or rise of not less than ten points in the cost of living index level. It has been represented on behalf of the employees that the interval of six months is too long a period. Further, a considerable amount of hardship is caused to the workers if the index level rises considerably, but does not actually reach ten points. An agreement has been arrived at between the State Bank of India and its employees to solve the above difficulties. The two associations of banks are agreeable to follow suit. The matter has been examined and it is proposed to vest the Government with powers to modify the formulæ within the ratio laid down in the original formulæ of the Bank Award Commission. This Bill seeks to give effect to this proposal.

G. L. NANDA.

NEW DELHI;

The 4th June, 1958.

BILL NO. 75 OF 1958

A Bill to amend the Rajghat Samadhi Act, 1951

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Rajghat Samadhi (Amendment) Act, 1958.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. 5

Amendment
of section 4.

2. In section 4 of the Rajghat Samadhi Act, 1951 (hereinafter referred to as the principal Act),— 41 of 1951.

(a) in sub-section (1),—

(i) for clause (a), the following clause shall be substituted, namely:— 10

“(a) the Mayor of the Municipal Corporation of Delhi, *ex-officio*,”;

(ii) for clauses (c) and (d), the following clauses shall be substituted, namely:— 15

“(c) four non-officials nominated by the Central Government;

(d) three members of Parliament of whom two shall be elected from among themselves by members of the House of the People and one from among themselves by members of the Council of States.”;

5 (b) after sub-section (3), the following sub-section shall be inserted, namely:—

10 “(4) The term of office of a member elected under clause (d) of sub-section (1) shall come to an end as soon as he ceases to be a member of the House from which he was elected.”.

3. Any member of Parliament nominated by the Speaker under clause (d) of sub-section (1) of section 4 of the principal Act and holding office as a member of the Rajghat Samadhi Committee immediately before the commencement of this Act shall cease to
 15 hold the said office on such commencement.

Members of Parliament nominated to the Committee by the Speaker to cease to hold office.

STATEMENT OF OBJECTS AND REASONS

With a view to ensuring proper maintenance, preservation and administration of the Rajghat Samadhi, built in the memory of Mahatma Gandhi, the Rajghat Samadhi Act, 1951 (41 of 1951) was passed by Parliament, and a Committee, consisting of three officials, three non-officials, two members of Parliament, and the President, New Delhi Municipal Committee as an *ex-officio* member, was constituted under this Act.

Section 4(1) (d) of the Act provides that there shall be on the Committee two members of Parliament to be nominated by the Speaker. It is desirable that the representatives of Parliament, instead of being nominated, should be elected by the two Houses. In order to conform to the existing convention of parliamentary representation on statutory Committees in the ratio of 2:1 for the House of the People and the Council of States, the number of representatives of Parliament on the Committee is proposed to be increased from two to three. As this would raise the strength of the Committee to an even number (ten), it is proposed to increase the non-official representation also by one.

The existing Act contains no provision for determining the tenure of members of Parliament serving on the Committee. It is, therefore, proposed to specify that the members of Parliament, elected on this Committee, shall serve on the Committee only so long as they continue to be members of Parliament.

Upon the establishment of the Corporation of Delhi, the Samadhi has been transferred from the jurisdiction of the New Delhi Municipal Committee to that of the Corporation. It is, therefore, proposed that the *ex-officio* member of the Committee shall be the Mayor of the Corporation instead of the President of the New Delhi Municipal Committee, as at present.

It is proposed to amend section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951) accordingly.

K. C. REDDY.

NEW DELHI;
The 2nd May, 1958.

BILL No. 82 OF 1958

A Bill further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Banaras Hindu University (Amendment) Act, 1958. Short title.

16 of 1915

5 2. For section 9 of the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:— Substitution of new section for section 9.

“9. The Court shall be an advisory body and its functions shall be— The Court

10 (a) to advise the Visitor in respect of any matter which may be referred to it for advice;

(b) to advise any authority of the University in respect of any matter which may be referred to the Court by such authority; and

15 (c) to perform such other duties and exercise such other powers as may be assigned to it by the Visitor or under this Act.”.

Insertion
of new
section
12A.
Proceed-
ings of
University
authorities
or bodies
not to
be invali-
dated by
vacancies,
etc.
Amend-
ment of
section
17.

3. After section 12 of the principal Act, the following section shall be inserted, namely:—

“12A. No act or proceeding of any authority or body of the University shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitu- 5
tion thereof.”.

4. In section 17 of the principal Act, for sub-sections (3), (4), (5), (6) and (7), the following sub-section shall be substituted, namely:—

“(3) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes; 10
but every new Statute or addition to the Statutes or any amend-
ment or repeal of a Statute shall require the previous approval
of the Visitor who may sanction, disallow or remit it for further
consideration.”.

Amend-
ment of
section
18.

5. In section 18 of the principal Act, for sub-sections (5), (6), (7) 15
and (8), the following sub-sections shall be substituted, namely:—

“(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Aca-
demic Council may appeal to the Visitor who may pass such
order thereon as he thinks fit. 20

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor who may dis-
allow any such Ordinance or remit it to the Executive Council
for further consideration.

(7) The Visitor may, by order, direct that the operation of 25
any Ordinance shall be suspended until he has had an opportu-
nity of exercising his power of disallowance, and any order of
suspension under this sub-section shall cease to have effect on
the expiration of one month from the date of such order.”.

Amend-
ment of
section
19.

6. In section 19 of the principal Act, the proviso to sub-section 30
(3) shall be omitted.

Amend-
ment of
Statutes.

7. The Statutes of the University shall be amended as follows:—

(i) in clause (2) of Statute 4 and clauses (2) and (3) of
Statute 6, the words “at the next annual meeting of the Court”
shall be omitted; 35

(ii) in Statute 12,—

(a) clause (2) shall be omitted;

(b) in clause (5) (a), the words “and the Court” shall
be omitted;

(iii) for Statute 14, the following Statute shall be substituted, namely:—

“14. (1) The Court shall consist of the following members, namely:—

The
Court.

- 5 (a) the Chancellor, *ex officio*,
 (b) the members of the Executive Council, *ex officio*,
 (c) two representatives of the Departments and
 Colleges of the University, nominated by the Visitor,
 (d) two representatives of the teachers of the Uni-
10 versity other than Professors, nominated by the Visitor,
 (e) five representatives of the old students of the
 University, nominated by the Visitor,
 (f) three representatives of Parliament, two to be
 nominated by the Speaker of the House of the People
15 from among the members thereof and one to be nomi-
 nated by the Chairman of the Council of States from
 among the members thereof,
 (g) twenty-nine persons nominated by the Visitor
 from among persons who have special knowledge or
20 practical experience in education or have rendered
 eminent services in the cause of education or are men
 of standing in public life.

(2) Seventeen members of the Court shall form a quorum.”;

25 (iv) Statute 16 shall be omitted;

(v) for Statute 17, the following Statute shall be substituted, namely:—

“17. (1) The Executive Council shall consist of the fol-
lowing members, namely:—

The
Executive
Council

- 30 (a) the Vice-Chancellor, *ex officio*,
 (b) seven persons nominated by the Visitor,
 (c) one person nominated by the Chief Rector.

(2) Five members of the Executive Council shall form a quorum.”;

35 (vi) in Statute 18,—

(a) in clause (1), the words, “subject to the control of the Court,” and the words “not otherwise provided for” shall be omitted;

40 (b) in clause (2) (viii), the words “otherwise than by an act of the Court” shall be omitted;

(vii) in Statute 20, in item (i), the words "the Court or" shall be omitted;

(viii) in Statute 28, for the words "The Court, the Executive Council", the words "The Executive Council" shall be substituted;

5

(ix) for Statute 29, the following Statute shall be substituted, namely:—

Selection
Committee.

"29. (1) There shall be a Selection Committee for making recommendations to the Executive Council in respect of appointments to the posts of Professor, Reader, Lecturer and Registrar, and the Selection Committee shall consist of such number of persons as the Executive Council may appoint.

(2) The procedure to be followed by the Selection Committee in making recommendations shall be determined by the Executive Council.

(3) If the Executive Council is unable to accept any recommendations made by the Committee, it shall record its reasons and submit the case to the Visitor for final orders.";

20

(x) for Statute 30, the following Statute shall be substituted, namely:—

Screening
Committee.

"30. (1) There shall be a Screening Committee consisting of the following persons, namely:—

(a) a person who is or has been a Judge of a High Court, nominated by the Central Government, who shall be the Chairman of the Committee,

(b) two persons nominated by the Central Government from among persons who have had administrative or other experience in educational matters.

30

(2) The meetings of the Committee shall be convened by such person as may be appointed for this purpose by the Chairman.

(3) It shall be the duty of the Screening Committee to examine the cases of all persons who on the 14th day of June, 1958, were holding teaching, administrative or other posts in the University in respect of whom there is reason

to believe that their continuance in office would be detrimental to the interests of the University, and to forward its recommendations to the Executive Council; and the Executive Council shall take such action thereon as it may think fit:

Provided that before taking any such action against the person concerned, the Executive Council shall give him a reasonable opportunity of being heard.”;

(xi) in Statute 35, for the words “the Annual Meeting”, the word “meetings” shall be substituted;

(xii) in Statute 36, for the words “an Annual Meeting”, the words “a meeting” shall be substituted, and the words “or as a member of the Court or of the Executive Council” shall be omitted;

(xiii) Statute 42 shall be omitted.

8. (1) Every person holding office as a member of the Court or the Executive Council, as the case may be, immediately before the 14th day of June, 1958, shall on and from the said date cease to hold office as such: Transi-
tional
provi-
sion.

Provided that where any such person held immediately before such date any other office in the University, nothing contained in this sub-section shall be construed to affect his continuance in such other office.

(2) Until the Court or the Executive Council is constituted in accordance with the provisions of clause (iii) or clause (v), as the case may be, of section 7, the Visitor may, by general or special order, direct any officer of the University to exercise the powers and discharge the duties conferred or imposed by or under the principal Act, as amended by this Act, on the Court or the Executive Council, as the case may be.

9. (1) The Banaras Hindu University (Amendment) Ordinance, 1958, is hereby repealed. Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 14th day of June, 1958.

STATEMENT OF OBJECTS AND REASONS

On receipt of reports indicating a serious state of affairs prevailing at the Banaras Hindu University the President, as the Visitor of the University, appointed in July, 1957, a Committee to enquire into the state of affairs at the University. The Committee commenced its sittings on the 31st July, 1957, and submitted its report in April, 1958.

The report revealed certain disquieting features and unhealthy influences which had been undermining the discipline of the University. According to the Committee, the personnel of the Executive Council itself had been, to a large extent, responsible for the prevailing state of affairs in the University.

After giving very careful consideration to the observations and recommendations made by the Committee, the Government of India came to the conclusion that it was necessary to reconstitute the Executive Council and the Court so as to put an end to existing malpractices and improve the day-to-day working and administration of the University, and that these measures should be undertaken immediately in view of the reopening of the University in July, 1958. As Parliament was not in session at that time, the President promulgated the Banaras Hindu University (Amendment) Ordinance, 1958, on the 14th June, 1958.

The present Bill seeks in the main to replace the Ordinance by an Act of Parliament.

The main features of the Bill are:—

(a) the reconstitution of the Court of the University as an advisory body, and reduction in the number of its membership;

(b) the reconstitution of the Executive Council as a compact body;

(c) the provision for a Selection Committee for making recommendations to the Executive Council in respect of appointments to the posts of Professor, Reader, Lecturer and Registrar in the University;

(d) the provision for a Screening Committee to examine the cases of all persons who, on the 14th June, 1958, were holding teaching, administrative or other posts in the University in

respect of whom there is reason to believe that their continuance in office would be detrimental to the interests of the University.

NEW DELHI;

K. L. SHRIMALI.

The 7th August, 1958.

M. N. KAUL,

Secretary.

CORRIGENDA

In the Gazette of India Extraordinary Part II, Section 2,—

1. No. 1, dated the 14th February, 1958:—

- (i) Page 3, marginal heading to clause 3, for "Definition" read "Definitions".
- (ii) Page 30, line 14 from the top for "cated" read "ficated".
- (iii) Page 65, marginal Reading to clause 150, for "Over" read "of".
- (iv) Page 65, marginal heading to clause 151, for "Payment" read "Payment over".
- (v) Page 72, marginal heading to clause 167, for "Axcommodation" read "Accommodation".
- (vi) Page 135, read "Certificates to be produced to Customs by ships other than Indian ships belonging to non-convention countries" as marginal heading to clause 315.
- (vii) Page 143, read "Power to make rules respecting certificates under this Part" as marginal heading to clause 330.
- (viii) Page 200, line 1 from the top, read "445" before "(1)".

2. No. 5, dated the 25th February, 1958:—

- (i) Page 239, line 5 from the top, for "१ पराधियो" read "अपराधियो".
- (ii) Page 245, line 15 from the bottom, read "11" as paragraph number.

3. No. 6, dated the 28th February, 1958:—

- (i) Page 290, line 27 from the top, read "9 of 1932" as marginal heading.
- (ii) Page 296, marginal heading to Clause 12, line 9 from the top, for "Commissoner" read "Commissioner".
- (iii) Page 320, line 1 from the top for "Bill read "*Bill".
- (iv) Page 329, line 6 from the top, for "been accepted as correct" read "being heard".

4. No. 7, dated the 3rd March, 1958, page 350, line 40 from the top, for "any" read "and".

5. No. 12, dated the 21st March, 1958, page 397, line 2 from the top, for "pctition" read "petitions".

6. No. 14, dated the 28th March, 1958, page 468, marginal heading to clause 87, line 7 from the top, for "occused" read "accused".

7. No. 15, dated the 5th April, 1958, page 514, line 25 from the top, after 'or' read "dat".

8. No. 17 dated the 18th April, 1958, page 543, line 37 from the top, for "confering" read "conferring".

9. No. 22, dated the 2nd May, 1958:—

- (i) Page 611, line 2 from the top, for "1889" read "1898".
- (ii) Page 619, marginal heading for line 12 from the top, for "14 of 1957" read "14 of 1947".
- (iii) Page 621, marginal heading for line 10 from the top, for "14 of 1957" read "14 of 1947".

10. No. 24, dated the 2nd May, 1958:—

- (i) Page 670, line 17 from the bottom, for '(6)' read '(7)' as paragraph number.
- (ii) Page 670, line 9 from the bottom for '(7)' read '(8)' as paragraph number.
- (iii) Page 671, line 1 from the top, for '(8)' read '(9)' as paragraph number.
- (iv) Page 671, line 11 from the top, for '(9)' read '(10)' as paragraph number.
- (v) Page 671, line 15 from the bottom for '(10)' read '(11)' as paragraph number.
- (vi) Page 680 for lines 10 and 11 from the bottom read "11. Gift-tax Officers to be subordinate to the Commissioner of Gift tax and the Inspecting Assistant Commissioner of Gift-tax."
- (vii) Page 689, line 9 from the top, for "function" read "functions".
- (viii) Page 693, line 14 from the bottom for "fifty" read "fifty".
- (ix) Page 700, for line 1 from the top, read "with the correctness of the decision of the Appellate Tribunal, re-".
- (x) Page 701, line 19 from the top, read "The" after "(3)".
- (xi) Page 705, line 12 from the top, for "24" read "42".
- (xii) Page 706, line 13 from the top for "meaning agent" read "managing agent".